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NYP Holdings, d/b/a the New York Post,

Michelle Gotthelf and Daniel Greenfield

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
AUSTIN FENNER and
IKIMULISA LIVINGSTON,

Plaintiffs,

vs.

NEWS CORPORATION, NYP HOLDINGS,
INC., d/b/a/ THE NEW YORK POST,
MICHELLE GOTTHELF and DANIEL
GREENFIELD, in their official and individual
capacities

Defendants.
-----X

Civil Action No.: 09 CV 9832 (BSJ)

**NOTICE OF MOTION TO
STRIKE CERTAIN OF
PLAINTIFFS' ALLEGATIONS
FROM THE SECOND
AMENDED COMPLAINT**

Oral Argument Requested

PLEASE TAKE NOTICE that, upon the attached declaration of Mark W. Lerner, dated October 20, 2010 and the exhibit attached thereto, the accompanying Memorandum of Law, and upon all other papers and proceedings herein, Defendants News Corporation, NYP Holdings, Inc., d/b/a The New York Post, and Michelle Gotthelf and Daniel Greenfield, in their official and individual capacities, by their attorneys Kasowitz, Benson, Torres & Friedman LLP, hereby move this Court before The Honorable Barbara S. Jones at The United States District Court,

Southern District of New York, 500 Pearl Street, New York, New York 10007, for an order pursuant to Rules 12(e) and 12(f) of the Federal Rules of Civil Procedure granting Defendants' motion to strike certain allegations contained within Plaintiffs' Second Amended Complaint.

PLEASE TAKE FURTHER NOTICE that papers in opposition to this motion, if any, shall be served, pursuant to Local Rule 6.1(b), within fourteen (14) days of service of the moving papers of this motion; and

PLEASE TAKE FURTHER NOTICE that reply papers, if any, shall be served, pursuant to Local Rule 6.1(b), within seven (7) days of service of the opposition papers.

Dated: New York, New York
October 20, 2010

Respectfully submitted,

KASOWITZ, BENSON, TORRES
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By: 

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